

RESOLUTION NO. 17

October 20, 1986

STANDARDS BY WHICH THE ADMINISTRATOR OF THE EQUAL OPPORTUNITY COMPLIANCE OFFICE DETERMINES WHICH FIRMS WITH FIFTEEN (15) OR MORE EMPLOYEES WILL BE ELIGIBLE TO BID ON COUNTY CONTRACTS

WHEREAS, the Board of Commissioners of Shelby County Government has heretofore through various resolutions taken action to assure that the County of Shelby is an "Equal Opportunity Employer"; and

WHEREAS, The Shelby County Charter, Article V, Section 5.13(B)(G) gives the Administrator of Equal Opportunity Compliance Office the power, among other things to require that each firm or business contracting with the County, submit with their proposals and/ or bids, statistics revealing the percentage and number of minority employees at all levels of said firm or business; and

WHEREAS, it has been determined by the Board of Commissioners from the information gathered by the Administrator of the Equal Opportunity Compliance Office that the percentage of minority employment in many firms with fifteen (15) or more employees that contract with the County does not approximate the percentage of minority population in the civilian labor force in the firm's geographical area; and

WHEREAS, it is now the desire of the Board of Commissioners to require that firms that contract with the County have employment profiles that reflect the demography of the civilian labor force in their geographical area as determined by the Standard Metropolitan Statistical Area established by the Office of Management and Budget of the United States Government.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, that the following procedures shall be used by the Administrator of Equal Opportunity Compliance to determine when and under what circumstances a firm with fifteen (15) or more employees should be considered and equal opportunity employer that should be allowed to bid on County contracts.

BE IT FURTHER RESOLVED, that the standard for determining whether a firm with fifteen (15) or more employees is an equal opportunity employer that should be allowed to bid on County contracts shall be the percentage of minorities in the civilian labor force in the firm's geographical area as established by the Standard Metropolitan Statistical Area (SMSA) compiled by the Office of Management and Budget of the United States Government.

BE IT FURTHER RESOLVED, that a firm that is within 90% of compliance with the minority SMSA shall be considered an equal opportunity employer eligible to bid.

BE IT FURTHER RESOLVED, that a firm that is within 80% of compliance with the minority SMSA shall be considered an equal opportunity employer eligible to bid only upon the submission of an affirmative action plan satisfactory to the Administrator of Equal Opportunity Compliance.

BE IT FURTHER RESOLVED, that a firm that is within 50% of compliance with the minority SMSA shall be considered an equal opportunity employer eligible to bid only upon a showing of extenuating circumstances and the submission of an affirmative action plan satisfactory to the Administrator of Equal Opportunity Compliance.

BE IT FURTHER RESOLVED, that a firm that is within less than 50% of compliance with the minority SMSA shall not be considered an equal opportunity employer eligible to bid on County contracts by the Administrator of Equal Opportunity Compliance.

BE IT FURTHER RESOLVED, that notwithstanding the presence of a percentage of minority employees in a firm equal to the minority SMSA for that firm's geographical area, overrepresentation of minorities in lower paying jobs or under representation in other categories may be a basis for a determination by the Administrator of Equal Opportunity Compliance, that said firm is not an equal opportunity employer.

BE IT FURTHER RESOLVED, that any determination made by the Administrator of Equal Opportunity Compliance pursuant to the procedures set forth herein shall be subject to an Administrative appeal process which shall be established by the Office of the Chairman of the County Commission.

BE IT FURTHER RESOLVED, that this resolution shall take effect upon its approval, the public welfare requiring it.